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Fifty-third session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 March 1997, at 10 a.m.

Chairman: Mr. SOMOL (Czech Republic)

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The meeting was called to order at 10.25 a.m.

STATEMENT BY MRS. LENA HJELM-WALLEN, MINISTER FOR FOREIGN AFFAIRS OF SWEDEN

1. Mrs. HJELM-WALLEN (Sweden) said that promoting respect for human rights and fundamental freedoms improved not only the lot of individuals, but also the prospects for peace and prosperity within and among nations, as well as security, which was in everyone's interest. Systematic violations of human rights often led to national unrest and upheaval, forced migration and sometimes conflict between nations.

2. The rules and standards set by the Commission and the adoption of basic human rights instruments, particularly the two Covenants of 1966, unquestionably represented a great achievement. However, those texts must be implemented and all States must ratify them. Regrettably, systematic violations of human rights continued in many parts of the world. Countries should seek solutions to those problems through dialogue, cooperation and, if possible, consensus and should refrain from selectively scrutinizing the human rights situations of small countries while turning a blind eye to those of more powerful nations. Accordingly, the Swedish Government felt that the Commission should take substantive action to address the human rights situation in China.

3. Mr. LI Baodong (China), speaking on a point of order, said that his delegation respected guest speakers, but that that respect must be reciprocal. The fact that the Swedish Minister for Foreign Affairs was a guest speaker did not authorize her to derogate from the rules of the Commission.

4. Mrs. HJELM-WALLEN (Sweden), referring to improvements and actions which had advanced the cause of human rights, said that she was particularly pleased to note the restructuring of the Centre for Human Rights under the leadership of the High Commissioner for Human Rights and the many field operations, including those in Burundi, Rwanda, Zaire, Cambodia, Georgia and the former Yugoslavia, as well as the opening of a human rights office in Colombia. Many United Nations organizations, such as the World Bank, the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Labour Organization (ILO), currently recognized the importance of human rights in their respective areas of competence. Many institutions and non-governmental organizations around the world were working to spread awareness of international human rights instruments. For example, Sweden's Raoul Wallenberg Institute offered training courses for officials from several countries, including Turkey and China. Such courses should help to increase understanding of human rights provisions, inter alia, among police and prison officials.

5. Among human rights violations, torture was a particularly abhorrent crime that was still widespread despite the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which had been ratified by some 100 Governments to date. It was incomprehensible to the Swedish Government that Israel's Supreme Court had sanctioned the use of "increased physical pressure" on a certain category of prisoners. Reports

from local human rights organizations indicated the need to improve conditions in Palestinian prisons as well. Sweden called upon the Government of Turkey to eradicate the practice of torture and ill-treatment in Turkish prisons once and for all. She hoped that the international community would agree in the near future on a new global mechanism providing for a committee to make unrestricted visits to all places of detention in the States parties to that new instrument.

6. Unquestionably, the right to life was the most fundamental of all human rights. Sweden strongly supported the efforts of the Special Rapporteur on extrajudicial, summary or arbitrary executions and regretted that there was no universal ban on capital punishment in international law. The death penalty had no place in a civilized world. The Swedish Government was concerned about the high number of death sentences in China and by the fact that executions followed immediately upon the sentence.

7. Mr. LI Baodong (China), speaking on a point of order, said he regretted that the name of his country had come up again and urged the guest speaker to refrain from mentioning China by name.

8. Mrs. HJELM-WALLEN (Sweden) appealed to the Government of Iran to prevent the execution of two Iranian Bahai's, Musa Talibi and Zabihullah Mahrami, who had been sentenced to death in 1996 for apostasy.

9. The right to life was also jeopardized by violent conflicts, most of which, at the current time, were internal. In such conflicts, the application of humanitarian law was often limited or even suspended. To redress, both in law and in practice, that deficiency in the protection of the individual, the Nordic countries and South Africa, in cooperation with the International Committee of the Red Cross (ICRC), had arranged a workshop in Cape Town in September 1996. The participants had recommended that the Commission on Human Rights should request the Secretary-General to undertake, in coordination with ICRC, an analytical study of those issues. There was an urgent need to reach an agreement that would protect those who were subjected to extreme suffering in conflicts.

10. The impact of armed conflicts on children was particularly intolerable and unacceptable, as shown by the report on the subject submitted to the fifty-first session of the General Assembly by the expert appointed by the Secretary-General, Ms. Graça Machel. The Swedish Government welcomed the decision to appoint a special representative on that issue and the progress achieved by the United Nations working group that was preparing an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. She was pleased that 190 countries had ratified or acceded to that Convention, although she regretted that the United States was not yet among them. Her Government had warmly welcomed the action plan initiatied by the High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child and called upon all States to support it. Lastly, Sweden welcomed the global mobilization against the sexual exploitation of children, which had culminated in the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in August 1996.

11. With the development of democracy, freedom of opinion and expression had gained ground. However, those rights were still being suppressed in many parts of the world and cases such as those of Daw Aung San Suu Kyi of Myanmar and the Iranian writer Faraj Sarkoohi were reminders of that fact. International attention was usually the only protection which human rights defenders could hope for. The Swedish Government deeply regretted that the Commission had not yet been able to adopt a declaration in support of individuals and organizations that defended human rights, whose courageous efforts deserved to be highlighted on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights.

12. The realization of economic and cultural rights was undoubtedly more difficult to measure than that of civil and political rights, even though it was no less important. Governments had an obligation to use available resources to meet the economic, social and cultural needs of all persons within their jurisdiction, without discrimination. They must create a distribution of wealth that ensured a basic standard of living for everyone. To that end, they must also promote equality between women and men, which was fundamental in order to overcome poverty and to achieve economic and social development. That idea, which had been proclaimed in the Beijing Declaration and Platform for Action, had become one of the goals of the Swedish development cooperation programme.

13. The full realization of human rights was not a national issue, but the joint responsibility of the entire international community. Countries had different traditions, cultures and histories, but human rights must be the same for everyone, everywhere, in accordance with the human solidarity that transcended national borders.

14. Mr. HOYNK (Germany), speaking on a point of order, said that the statements by the representative of China were unfortunate. The Commission must not be disrupted, even when it was discussing sensitive issues.

15. Mr. ALFONSO MARTINEZ (Cuba), speaking on a point of order, said that the atmosphere in the Commission would become unbearable if the rules governing discussions were not respected. Cuba was a firm advocate of freedom of expression, but it requested that, for the sake of orderly debate, all invited speakers should take account of those rules and avoid confrontation.

16. Mr. van WULFFTEN PALTHE (Netherlands), speaking on a point of order, said it was unacceptable that rules that did not exist, as far as he knew, should be invoked to use points of order to tell invited speakers what they could or could not say. Those who gave lessons in democracy should know that one of the basic principles of democracy was freedom of expression and that, in the Commission, that was true as much for representatives of States as for guests. Disapproval or discontent could always be expressed during the consideration of the relevant agenda item.

17. Mr. LIU Xinsheng (China), speaking on a point of order, said that he had not started the dispute and stressed that, while one of the basic principles of democracy was freedom of expression, another no less basic one was mutual respect.

STATEMENT BY MR. NIELS HELVEG PETERSEN, MINISTER FOR FOREIGN AFFAIRS OF DENMARK

18. Mr. HELVEG PETERSEN (Denmark) said that, following the murder of four members of the Human Rights Field Operation in Rwanda, it was high time for States to accede to the United Nations Convention on the Safety of United Nations and Associated Personnel, which had been adopted by the General Assembly in 1994.

19. Denmark was in a position to offer the Commission assistance in areas of particular interest to it. The first was the promotion of the rights of indigenous peoples, which would be better protected if a permanent forum for indigenous peoples was set up within the United Nations system, as his Government believed it should be. The first workshop on that issue had been held in Copenhagen in June 1995 and Chile's offer to host the second workshop was welcome. He urged the Commission to speed up the process of the adoption of the draft United Nations Declaration on the Rights of Indigenous Peoples, in the preparation of which Denmark would like the persons concerned to take part. He took the opportunity to announce a contribution of DK 1 million to the Voluntary Trust Fund for the International Decade of the World's Indigenous People.

20. The second area to which Denmark was particularly attached was that of action to combat torture. Work must be speeded up on the draft optional protocol on a global inspection system for places of detention. Unannounced visits would be a major factor in the prevention of torture.

21. The third area was the promotion of the right to development as a means of eradicating poverty. A coherent and meaningful strategy had to be worked out to specify national and international responsibilities. Denmark had focused its programme of assistance to developing countries on the eradication of poverty while trying to promote the role of women in development, protect the environment and further the democratic process. In 1996, its development assistance had amounted to US$ 1.8 billion, representing 1 per cent of its gross national product, much more than the United Nations target of 0.7 per cent.

22. The fourth area of concern to Denmark was the smooth functioning of the Office of the United Nations High Commissioner for Human Rights. The unanimity by which that office had been established in 1993 had to be re-established to enable it to function properly. One of its main tasks was to engage in dialogue with all Governments, but it could do so only if all the Member States with which such a dialogue seemed necessary to the High Commissioner, the General Assembly, the Economic and Social Council or the Commission on Human Rights took part in it constructively.

23. States also had to open their doors to the various rapporteurs so that they could provide the Commission with a balanced report on the actual human rights situation because, otherwise, they might not receive assistance from the international community.

24. With regard to the debate about elements such as "consensus" versus "voting procedures" and "dialogue" versus "confrontation", he recalled that the

essence of the Commission's work was to measure the performance of States against the standards that they had voluntarily undertaken to observe. That was a single standard, not a double one, and, while the process should be conducted constructively, it could not reasonably be called confrontational.

25. Recalling that Denmark was the 1997 Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), which was a forum for a broad dialogue on security and stability, he stressed that, during the year, emphasis would be placed on the implementation of the standards on human rights, democracy and the rule of law developed by OSCE. The United Nations and OSCE were cooperating in the field of human rights both at their headquarters and on the ground, especially in the former Yugoslavia, Tajikistan and Georgia, and OSCE was looking forward to developing such cooperation even further.

26. Although it was entirely legitimate to express concern about the human rights situation in any country, he would leave that task to the Presidency of the European Union, which would make a statement under agenda item 10 on the question of violations of human rights and fundamental freedoms in any part of the world.

27. In conclusion, he drew attention to two thematic issues. First, women's rights were human rights and, as such, they were part and parcel of the Commission's work. It had already spoken out about violence against women in all kinds of circumstances, but there was still a great deal to be done and the Special Rapporteur on the question needed unswerving support. Secondly, he strongly appealed for the adoption of the draft Declaration on Human Rights Defenders on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, particularly as it related to the persons who were in the front line in defending those rights.

ADOPTION OF THE AGENDA (agenda item 2) (continued) (E/CN.4/1997/1 and Corr.1; E/CN.4/1997/1/Add.1 and Corr.1)

28. The CHAIRMAN informed the Commission that no proposal on the provisional agenda had been submitted to the Bureau for its consideration. If he heard no objection, he would therefore take it that the Commission adopted the agenda contained in document E/CN.4/1997/1 and Corr.1.

29. It was so decided.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (E/CN.4/1996/3, E/CN.4/1997/11, E/CN.4/1997/98 and Add.1)

30. The CHAIRMAN said that, at its first meeting on the preceding day, the Bureau had discussed the organization of the work of the session in detail. The proposed draft timetable for the consideration of the agenda items was annexed to the order of the day (E/CN.4/1997/OD.2). It could be revised by the Bureau as necessary. On the basis of consultations with the regional groups, the Bureau would make recommendations on where the items relating to the human rights situation in Burundi, the Republic of Chechnya (Russian Federation), Colombia and Liberia should come on the agenda.

31. He described the speaking times for the various categories of speakers and urged them to abide by them. He also recalled the rules relating to the submission to the secretariat of the texts of statements and draft resolutions, as well as to inclusion in lists of speakers. Those speakers who had been unable, for lack of time, to speak at the meeting for which they had signed up would be given the floor as the first speakers at the following meeting. In view of the volume of the Commission's work, he would start all meetings on time and the Bureau was recommending that the requirements laid down in rule 40 of the rules of procedure relating to a quorum should be waived. In accordance with the Commission's practice in past years, the Bureau was also recommending that special rapporteurs, special representatives, chairmen-rapporteurs of working groups and independent experts should be invited to speak under the agenda item corresponding to their terms of reference. He read out the list drawn up by the Bureau, which was also recommending that meeting time should be allocated for the adoption of the reports of the four working groups set up to prepare draft texts under agenda items 8 (d), 20, 21 and 21 (d).

32. If he heard no objection, he would take it that the Commission decided to adopt the Bureau's recommendations, on the understanding that it could come back to some issues as appropriate.

33. It was so decided.

34. Mr. HAMIDON (Malaysia), speaking on behalf of the Asian Group, said he hoped that further measures would be taken at the current session to ensure the more effective functioning of the Commission. It was particularly important that meetings should begin on time, that speakers should limit themselves to the allotted speaking time and that the number of night meetings should be kept to a minimum. As the Asian Group had proposed in 1996, the Commission should consider shortening future sessions to four or five weeks instead of six. It should also do away with the system of carrying over statements from one meeting to another in order not to change the speaking order. Discipline was called for on the part of all participants, who should try to establish an interactive dialogue. Other measures included rationalizing the overloaded agenda by merging some items and considering some others only every two years. The number and length of resolutions should be reduced. All draft resolutions should be discussed at length before submission because, in the Asian Group's opinion, consensus was better than voting as a means of avoiding confrontation and promoting the adoption of effective decisions.

35. The Asian Group was also proposing that the Friends of the Chair should be established again during the current session to help the Chairman and the other members of the Bureau and to discuss ideas for the reform of working methods and the organization of work. An in-sessional working group should also be set up to study measures to improve the efficiency and effectiveness of the Commission's work.

36. Speaking as the representative of Malaysia, which had sponsored draft decision E/CN.4/1996/L.2 at the preceding session, providing that the Commission would adopt its decisions and resolutions by consensus and vote only in the last resort, he recalled that the consideration of that proposal

had unfortunately been deferred until the current session. Its sole aim had been to improve the Commission's methods of work and curb the trend towards the politicization of debates by promoting the broadest possible dialogue. The draft decision was worded in such a way as to dispel the fears expressed by some delegations, since it clearly stated that the Commission would vote only on texts on which it had been unable to reach a consensus after all efforts to that end had been exhausted and that the decision to adopt by consensus would be "without prejudice to its rules of procedure". His delegation was convinced that such a decision could only serve the cause of human rights.

37. Mr. ABUAH (Observer for Nigeria) said he regretted that the efforts being made to rationalize the Commission's agenda had not yet been successful. The time allotted should be used as effectively as possible and any politicization of debates should be rejected by the Commission. It was for that purpose that, at the fifty-second session, draft decision E/CN.4/1996/L.2 had been submitted primarily to have all decisions and resolutions adopted by consensus without prejudice to the rules of procedure, with voting only in the last resort. It was, of course, very difficult to avoid politicizing the debates, but dialogue and cooperation were always better than confrontation. He recalled that, at its fifty-first session, the General Assembly had adopted resolution 51/100 entitled "Enhancement of international cooperation in the field of human rights", in which it invited the Commission on Human Rights to continue its consultations on the promoti n of international cooperation through genuine and constructive dialogue on the basis of mutual respect and equality of States. It was essential that the Commission should try to do so.

38. Mr. GOONETILLEKE (Sri Lanka) said that the realistic and sensible organization of the Commission's work would help it function effectively despite the current financial constraints and the overall reductions imposed on it. From the outset, the session therefore had to be carefully planned in order to enhance effectiveness in the use of the available resources. Some of the measures that could be considered by the Bureau had been outlined by the coordinator of the ASEAN group and his own delegation fully supported them, particularly that of doing away with the carry-over system that prevented orderly debate. The Bureau should also seriously consider proposals that the length of the session should be shortened and that selected agenda items should be biennialized. His delegation would like consideration to be given to the problem of the increase in the volume of documentation, which had not been accompanied by a corresponding increase in the human and other resources of the secretariat, thereby affecting the quality of work and eroding the effectiveness of the Commission itself. A way must be found to ensure observance of the rule that documents should be distributed six weeks in advance of each session in all languages.

39. The Commission and its subsidiary bodies also had to find a solution to international problems through international cooperation in accordance with the principle embodied in Article 1, paragraph 3, of the Charter of the United Nations and reaffirmed in paragraph 7 of the 1993 Vienna Declaration. In the field of human rights, the temptation must be resisted of adopting a selective approach by choosing which countries to scrutinize or making a distinction between civil and political rights and economic, social and

cultural rights, which were all interrelated. Regardless of their size, geographical location or level of development, all member States of the Commission should refrain from condemning other States and should, rather, try to help them overcome their problems. The adoption of resolutions or decisions should not be the Commission's only weapon in its fight against human rights violations. If the Commission genuinely wanted to improve the lot of the people in the countries concerned, it should look into ways not only of winning the cooperation of the authorities of those countries instead of condemning them, but also of engaging them through persuasive means to protect human rights.

40. As Mr. Vergne Saboia, the Chairman of the Commission's fifty-second session, had stressed, efforts had to continue to be made to reduce the excessive politicization of the Commission and to promote dialogue, cooperation and the search for consensus. His delegation was sure that the Chairman would carry on the task assumed by his predecessor together with the Friends of the Chair at the fifty-second session and throughout the intersessional period. The Commission had decided to defer the consideration of draft decision E/CN.4/1996/L.2 until the fifty-third session to enable the Chairman to hold consultations with all interested parties with a view to reaching an understanding. The sponsors of the draft decision therefore hoped that they would be able to submit it to the Commission in an improved form at the current session so that it might be adopted by consensus.

41. Mr. WU Jianmin (China) said that the spirit of cooperation had not yet defeated the spirit of confrontation advocated by some developed countries. His delegation therefore made an earnest appeal to those countries to come back to dialogue and adopt draft decision E/CN.4/1996/L.2, submitted by a group of developing countries.

42. The Commission's purpose, which was the same as one of the objectives of the United Nations, was to promote human rights through cooperation, but the developed countries had defeated that purpose by politicizing the debates and opting for confrontation, deliberately insulting the developing countries and turning the Commission into a tribunal. That situation could not be tolerated; in a genuine democracy, no one could set himself up as a judge. The countries in question were, moreover, only a minority and the tyranny of a minority over the majority was doomed to failure. China, which was the largest developing country, was one of the major targets of some western countries, but, if they imposed confrontation on it, it would stand up to them. It had the backbone to do so and would not remain poor forever.

43. In conclusion, he again appealed to the developed countries to trade confrontation for cooperation.

44. Mrs. SYAHRUDDIN (Indonesia) said that she fully supported the statement made by the representative of Malaysia on behalf of the Asian Group. The Commission's fiftieth anniversary was without a doubt an opportunity to think about its work, which had to be rationalized and made more effective. Indonesia welcomed any viable measure geared towards the achievement of that objective.

45. Since the Commission was the main United Nations human rights body, the decisions and resolutions it adopted were essentially a political act, but, by allowing its work to be politicized, it was deviating from one of the basic tenets of United Nations philosophy, which gave priority to cooperation and dialogue. With the end of the cold war, that principle had, however, been solemnly re-established at the second World Conference on Human Rights in 1993.

46. From that point of view, the fact of maintaining a policy of unilateral pressure and coercion against targeted States in the post-Vienna Conference era was meaningless. Such a policy would not serve the aims of its proponents or change the intentions of the countries targeted. A more constructive attitude that was fully in conformity with the United Nations Charter would probably be more effective in promoting the cause of human rights throughout the world.

47. In view of the need to depoliticize the Commission, efforts had to be focused on consensus-building with the parties concerned through consultations and on voting only as a last resort, as proposed in the draft decision whose consideration the Commission had postponed until the current session. The Commission might set the target date of 1998, which would mark the fiftieth anniversary of the Universal Declaration of Human Rights.

48. Mr. TEIXEIRA PARREIRA (Angola) said that the politicization of its debates had prevented the Commission from concentrating on carrying out its mandate. The confrontation, selectivity and double standards that had dominated every session had seriously hampered its work, tarnishing its credit as the most important United Nations human rights body. A great deal of time and resources had thus been wasted that could have been used to promote human rights.

49. He believed - and was sure that most member States would agree with him - that the Commission should be a forum for dialogue and cooperation, not a courtroom. The participants should exchange views and experiences on the basis of mutual respect rather than accusing one another selectively. Such accusations would never serve the cause of human rights.

50. Mr. CHOWDHURY (Bangladesh) said that he supported the statement by the representative of Malaysia. Everyone agreed that the Commission's work and its methods had to be reviewed, but, while some advocated the restructuring of its agenda and others the rationalization of its mandate, others, such as Bangladesh, were proposing that its sessions should be drastically curtailed and the number and length of resolutions should be reduced by merging some items or considering them only periodically. The Commission had to continue the work it had begun under the guidance of Mr. Vergne Saboia. Moreover, the General Assembly had requested it to conclude the consultations, if possible, at its current session. In that connection, the adoption of draft decision E/CN.4/1996/L.2, which was based on the Vienna Declaration and Programme of Action, would be doubly useful because the procedure for the adoption of resolutions would not only be simplified, but conciliation would take precedence over confrontation without establishing a right of veto. The growing number of resolutions and decisions adopted by consensus showed that that was indeed the trend.

51. The Vienna Declaration and Programme of Action had reaffirmed the universality, indivisibility and interdependence of all human rights. The Commission thus had an additional reason to maintain objectivity, non-politicization and transparency in its work. The target of unequivocal condemnation was the violation of human rights, not the presumed perpetrators, for selective condemnation would breed double standards and do a great disservice to the cause of human rights.

52. Mr. DEMBRI (Algeria) said that he was a strong supporter of consensus as a means of adopting the Commission's decisions as recommended in draft decision E/CN.4/1996/L.2, since it was the most elaborate way of reconciling interpretations and positions on particular agenda items. It was one of the most democratic means of bringing about understanding, avoiding division and polemics, taking full account of the universality of human rights, avoiding politicization and giving priority to a comprehensive approach and not to the accusation of a particular State. If resolutions and decisions were adopted by consensus, they would have a stronger moral impact and the international community would be more involved in their implementation.

53. The draft decision did not mean that the rules and procedures in force would be revised or that voting as a decision-making method would be called into question when dialogue and consultation had not led to a consensus. Its adoption would also not inevitably lead, as some seemed to fear, to an alleged right of veto.

54. At the preceding session, the spirit of consensus had made it possible for nearly all of the Commission's resolutions and decisions to be adopted without a vote. His delegation would like to see that spirit reconfirmed by the adoption of draft decision E/CN.4/1996/L.2 without a vote.

55. Mrs. BAUTISTA (Philippines), supporting the measures proposed by the representative of Malaysia as the Asian Group Coordinator, said that she would also like to refer to other ways of improving the Commission's effectiveness, some of which were used in other bodies. The Commission might consider limiting the number of working groups in order to allow participation by the largest possible number of delegations in the work of such groups. In order to reduce the number of draft resolutions submitted each year, it might consider the possibility of setting up a "resolutions committee", such as the one which existed in the International Labour Organization and which would carry out first-stage sorting and find only the genuinely relevant draft resolutions admissible. Consensus-building based on transparency, dialogue and cooperation was the best decision-making method.

56. Mr. AKRAM (Pakistan) said that, for the sake of greater effectiveness, the Commission should ensure better time management through advance planning based on specific deadlines, consider the possibility of shortening the length of sessions, as other United Nations bodies had done, continue to reorganize its agenda, without deleting items that were fundamental to the promotion and protection of human rights, and do away with some of the draft resolutions and decisions it considered at each session.

57. The Commission would also improve its credibility if its discussions were based on dialogue and cooperation, not on suspicion and confrontation.

At the preceding session, 87 per cent of its resolutions had been adopted by consensus, but it was now time to go further. Consultations on draft resolutions had to be held in an open manner, with the involvement of all delegations. He expressed the hope that draft decision E/CN.4/1996/L.2, of which Pakistan was a sponsor, would be adopted at the current session.

58. Mr. ZAHRAN (Egypt) said that he would also like the Commission to do everything possible to improve its functioning. It had to try to carry out its work within the normal time allocated to it, without night meetings, and shorten future sessions to four weeks.

59. The Commission had to work in the spirit of cooperation and mutual respect that had prevailed at the World Conference on Human Rights. When gross violations of human rights occurred in a country, the international community had a responsibility to take the appropriate measures. The Commission itself had to do its work objectively, in a transparent way, seeking consensus rather than a divisive vote. That was what the Conference on Disarmament and, to some extent, the World Trade Organization did and both managed to preserve their effectiveness while maintaining dialogue.

60. Many delegations had the feeling that human rights issues were too often politicized and dealt with selectively. It was regrettable that the Commission was concerned more with violations of civil and political rights committed in developing countries than with those committed in developed countries and that it continued to pay little attention to the implementation of economic, social and cultural rights, whereas all rights were indivisible and interdependent.

61. His delegation was deeply concerned about the precarious financial situation of the United Nations and about its repercussions on the work of the High Commissioner for Human Rights and the Centre for Human Rights. It therefore supported the measures proposed to streamline and improve the Commission's work. For example, all draft resolutions should be discussed in depth before being submitted for the approval of members. Draft decisions and resolutions might therefore be considered in meetings chaired by the members of the Bureau and open to all interested delegations before being formally submitted to the Commission. Such a method would facilitate the task of delegations, particularly smaller delegations. His delegation intended to take part in the consultations on draft decision E/CN.4/1996/L.2.

62. Mrs. GHOSE (India) said that she supported the statement made by the representative of Malaysia as Regional Coordinator. Emphasizing the Commission's importance within the United Nations system, she said that the Commission must do everything possible to improve its methods of work and take full advantage of the time allotted to it. Her delegation would support any initiatives along those lines. Efforts also had to be made to lighten the agenda and reduce the number and length of resolutions. If the other co-sponsors so agreed, she proposed that the consideration of resolution 1996/19 on tolerance and pluralism as inseparable components of the promotion and protection of human rights should be postponed until the fifty-fourth session.

63. A more interactive dialogue should be established between member States and between States and non-governmental organizations and more time should be spent on considering the technical cooperation activities of the Centre for Human Rights.

64. The Commission's work had to be based on dialogue, consultation, transparency and the depoliticization of human rights issues. In order to maintain all its moral authority, the Commission had to move away from double standards and work actively to identify solutions rather than becoming bogged down in confrontation.

65. Her delegation had not been able to understand the hostility to which draft decision E/CN.4/1996/L.2 had given rise at the preceding session. The text conveyed a political message that all States were committed to working together for the promotion and protection of human rights. The idea of establishing a mechanism to evaluate the compliance of States with consensus decisions and resolutions was an interesting one. It must be realized that resolutions adopted by a vote had little impact on a country and it had to be asked whether condemnation and criticism were effective means of protecting human rights.

66. Although the human rights situation was better in some countries than in others, no country was perfect and no State could arrogate to itself the right to sit in judgement over others. To deal with human rights violations, States had to intensify genuine dialogue and seek appropriate solutions.

67. Mr. ALFONSO MARTINEZ (Cuba) said that, on the eve of the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, the member States of the Commission had to try to fulfil their mandate as best they could. At present, however, they were overwhelmed by countless studies, reports, draft resolutions and decisions and statements by the Chairman. One hundred or so resolutions and decisions had been adopted at the preceding session and most of them uselessly repeated paragraph after paragraph from earlier texts. That complicated matters and harmed the Commission's image.

68. Other, more serious elements were the obvious political manipulation of some aspects of the Commission's work and the bias and selectivity evident in much of the Commission's documentation and decisions. A double standard was being applied and situations of confrontation were being promoted. Some initiatives such as those relating to what was commonly known as the "human rights situation" in a particular country did not take account either of the situation in the world or of that in the country concerned. Since they had no real basis, they led to meaningless decisions, many of which served only as grist for the political propaganda mill of those who had taken them. Such practices obviously detracted from the Commission's credibility.

69. That harmful method had another victim, namely, international cooperation, which was one of the purposes stated in Article 1 of the Charter and a basic component of the implementation of human rights and fundamental freedoms. It was unfortunate that human rights had become an ideological tool for those who wanted to impose a new version of dependence based on world unipolarity.

70. Documents originating in open-ended bodies set up by the Commission implied that human rights violations were committed only by third world countries. It was, however, enough to hear and look at the media to realize that very serious situations also existed in many so-called developed countries. It was unacceptable that the category of economic, social and cultural rights should be given so little room on the Commission's agenda. It was genuinely surprising that the Commission had not even expressed concern about the violation of the right to work of over 20 million unemployed persons in the region of the world where it met. It should be recalled that, like other rights on which the Commission spent a great deal of time, that human right was also provided for in the Universal Declaration of Human Rights.

71. His delegation had been a sponsor of draft decision E/CN.4/1996/L.2, which was designed, inter alia, to promote international cooperation. To the surprise of many persons, it had given rise to very strong reactions on the part of some delegations and, for the sake of compromise, the sponsors of the text had decided not to request a vote. However, in its resolution 51/100, against which a large number of countries had voted, including all those who had been opposed to draft decision E/CN.4/1996/L.2, the General Assembly had drawn attention to the need to enhance international cooperation in the field of human rights.

72. The Commission had to try to find ways of promoting cooperation between its members and avoiding as much confrontation, politicization and selectivity as possible in the consideration of human rights issues. Consensus decision-making was one of those ways, but not the only one. The Commission must therefore continue to consider draft decision E/CN.4/1996/L.2.

The meeting was called to order at 12.05 p.m.